

EXHIBIT A

MARYELLEN O'SHAUGHNESSY

**FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS**

CHARLES A SCHNEIDER

CASE TITLE: CAROL BENEKER -VS- LOWES ET AL

CASE NUMBER: 18CV010689

CLERK'S ORIGINAL CASE SCHEDULE

	LATEST TIME OF OCCURRENCE
TRIAL ASSIGNMENT	01/21/20 0900AM
CASE FILED	12/26/18
INITIAL STATUS CONFERENCE	*****
INITIAL JOINT DISCLOSURE OF ALL WITNESSES	05/15/19
SUPPLEMENTAL JOINT DISCLOSURE OF ALL WITNESSES	07/10/19
DISPOSITIVE MOTIONS	10/02/19
DISCOVERY CUT-OFF	10/16/19
DECISIONS ON MOTIONS	11/27/19
FINAL PRE-TRIAL CONFERENCE/ORDER (OR BOTH)	12/23/19 0900AM

In The Court Of Common Pleas, Franklin County, Ohio

Carol Beneker
646 Wrexham Avenue
Columbus, Ohio 43223

Plaintiff,

vs.

Lowe's
1000 Lowes Blvd., NB4TA
Mooresville, NC 28117-8520

and

Lowe's Home Centers, LLC
fka Lowe's Home Centers, Inc.
1000 Lowes Blvd., NB4TA
Mooresville, NC 28117-8520

and

S.W. Columbus Lowe's
Store #181
1675 Georgesville Square Drive
Columbus, Ohio 43228

and

John Does 1-10
Address/Location Unknown

and

XYZ Corporations 1-10
Address/Location Unknown

Defendants.

Case No.:

COMPLAINT

FIRST CAUSE OF ACTION

1. At all times relevant, Defendant Lowe's, Lowe's Home Centers, LLC [fka Lowe's Home Centers, Inc.] and S.W. Columbus Lowe's, Store #181 [collectively "Lowe's"] were responsible individually and jointly, for the operation, maintenance, possession and inspection of the "premises" [1675 Georgesville Square Drive, Columbus, Ohio 43228] referred to in this complaint through Defendant Lowe's employees, agents, assigns and

servants who, at all times pertinent to this complaint, were acting within their course and scope of their authority.

2. At all times relevant, the Defendants identified herein were in exclusive custody and control of the premises referred to in this complaint.
3. Defendants Lowe's are believed to be for profit corporations incorporated in the State of North Carolina and/or Ohio and licensed to conduct business, at all times pertinent, in the State of Ohio and, more specifically, in Franklin County, Ohio.
4. At all times relevant herein, Plaintiff was a business invitee of Defendants.
5. On or about January 17th, 2017, Plaintiff, while on Defendants' premises was struck by several rolls of falling carpet which caused Plaintiff to sustain injury.
6. As a direct and proximate result of Defendants' negligent acts and/or omissions, Defendants were, and remain, responsible for injuries and/or damages sustained by Plaintiff.
7. Defendants breached a duty, or duties, of care owed Plaintiff.
8. As a direct and proximate result of Defendants' acts and/or omissions, jointly or individually, and as above-described or as may be learned during the pendency of this action, Plaintiff sustained economic and non-economic losses both of which may be ongoing and/or permanent.
9. As a direct and proximate result of the above, Plaintiff has been injured in an amount exceeding \$25,000 but which cannot be stated with specificity.

SECOND CAUSE OF ACTION

10. Plaintiff hereby incorporates the allegations of the above claims.
11. Defendants' breach of the duty of care owed to Plaintiff may include the following:
 - [a] negligently failing to remove or prevent latent dangerous and/or defective conditions on their premises;
 - [b] negligently failing to warn the Plaintiff of the dangerous conditions created from

- the defective condition;
 - [c] negligently failing to protect Plaintiff by inspecting, maintaining, or doing other affirmative acts which would have removed the dangerous condition or warned Plaintiff of the dangerous conditions created by defective condition;
 - [d] negligently failing to supervise and/or train employees in the proper and safe maintenance of the premises;
 - [e] the creation of a nuisance;
 - [f] negligently failing to engage in its regular pattern of hazard detection and hazard removal, such detection and removal actions upon which Plaintiff could rely; and
 - [g] other acts of negligence, presently unknown but which will be uncovered through the discovery process.
12. As a direct and proximate result of the above, Plaintiff has been injured in an amount exceeding \$25,000 but which cannot be stated with specificity.

THIRD CAUSE OF ACTION

13. Plaintiff hereby incorporates the allegations of the above claims.
14. Plaintiff brings this action against Defendants, John Does 1-10 and XYZ Corporations 1-10, whose names and addresses are currently unknown to Plaintiff, but who may be responsible for Plaintiff's injuries as alleged herein. Plaintiff will amend this Complaint once such parties are identified.
15. Defendants, John Does 1-10 and XYZ Corporations 1-10, identities are currently unknown and cannot, presently, be reasonably ascertained with due diligence. Ohio Civ. R. 15 is expressly referenced and, by such reference, incorporated herein.
16. The above-mentioned incident causing injury to Plaintiff was a direct and proximate result of the negligence of Defendants.
17. As a direct and proximate result of the negligence of all Defendants, Plaintiff was caused to suffer those injuries described in the above ¶'s.

18. As a direct and proximate result of the above, Plaintiff has been injured in an amount exceeding \$25,000 but which cannot be stated with specificity.

WHEREFORE, Plaintiff hereby prays for damages against the Defendants, jointly and severally, for compensatory, consequential, and special damages in an amount in excess of \$25,000.00, together with interest, costs associated therewith, and any other relief available in law or in equity that fully and adequately compensates the Plaintiff.

/s/ David A. Bressman
David A. Bressman (0047128)
Thomas F. Martello Jr. (0058601)
LAW OFFICE OF DAVID A. BRESSMAN
5186 Paul G. Blazer Parkway
Dublin, Ohio 43017
(614)538-1116
Fax: (614)761-8399
David@Bressmanlaw.com
Attorneys for Plaintiff

JURY DEMAND

Comes now the Plaintiff who hereby demands a trial by jury on all issues triable by a jury.

/s/ David A. Bressman
David A. Bressman (0047128)
Thomas F. Martello Jr. (0058601)

Franklin County Ohio Clerk of Courts of the Common Pleas- 2018 Dec 26 1:31 PM-18CV010689
0E460 - I17

MARYELLEN O'SHAUGHNESSY

FRANKLIN COUNTY CLERK OF COURTS
GENERAL DIVISION, COURT OF COMMON PLEAS

CASE TITLE: CAROL BENEKER -VS- LOWES ET AL

CASE NUMBER: 18CV010689

TO THE CLERK OF COURTS, YOU ARE INSTRUCTED TO MAKE:
CERTIFIED MAIL

DOCUMENTS TO BE SERVED:
COMPLAINT

PROPOSED DOCUMENTS TO BE SERVED:

UPON:
XYZ CORPORATIONS ONE THROUGH TEN
UNKNOWN
UNKNOWN, OH 11111

JOHN DOES ONE THROUGH TEN
UNKNOWN
UNKNOWN, OH 11111

SW COLUMBUS LOWES
STORE 181
1675 GEORGESVILLE SQUARE
COLUMBUS, OH 43228

LOWES HOME CENTERS LLC
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC 28117-8520

LOWES
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC 28117-8520

Franklin County Ohio Clerk of Courts of the Common Pleas- 2018 Dec 26 1:31 PM-18CV010689
0E460 - I18

JUVENILE CITATIONS ONLY:

HEARING TYPE:

__ Date already scheduled at : Courtroom:

Electronically Requested by: DAVID A. BRESSMAN

Attorney for:

Franklin County Ohio Clerk of Courts of the Common Pleas- 2018 Dec 26 1:31 PM-18CV010689
OE460 - I17

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JUVENILE CITATIONS ONLY:

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Electronically Requested by: DAVID A. BRESSMAN

Attorney for:

E2984 - U13

FROM

MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

C E R T I F I E D
M A I L
R E C E I P T

12/27/18

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:16
CLERK OF COURTS-CV

LOWES
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC
28117-8520

18CV-12-10689 C

CAROL BENEKER
VS
LOWES

SERVICE ITEM: 01
ORIGINAL SUMMONS

CERTIFIED
NUMBER

9214890119 522804595424

CIV354

E2984 - U14

FROM

MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

C E R T I F I E D
M A I L
R E C E I P T

12/27/18

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:16
CLERK OF COURTS-CV

LOWES HOME CENTERS LLC
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC
28117-8520

18CV-12-10689 C

CAROL BENEKER
VS
LOWES

SERVICE ITEM: 01
ORIGINAL SUMMONS

CERTIFIED
NUMBER

9214890119 522804595417

CIV354

E2984 - U15

FROM

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FRANKLIN COUNTY CLERK OF COURTS
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

C E R T I F I E D
M A I L
R E C E I P T

12/27/18

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:16
CLERK OF COURTS-CV

SW COLUMBUS LOWES
STORE 181
1675 GEORGESVILLE SQU
COLUMBUS, OH
43228

18CV-12-10689 C

CAROL BENEKER
VS
LOWES

SERVICE ITEM: 01
ORIGINAL SUMMONS

CERTIFIED
NUMBER

9214890119 522804595400

CIV354

E2984 - U17

FROM

MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

C E R T I F I E D
M A I L
R E C E I P T

12/27/18

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:16
CLERK OF COURTS-CV

XYZ CORPORATIONS ONE
UNKNOWN
UNKNOWN, OH
11111

18CV-12-10689 C

CAROL BENEKER
VS
LOWES

SERVICE ITEM: 01
ORIGINAL SUMMONS

CERTIFIED
NUMBER

9214890119 522804595387

CIV354

E2984 - U17

FROM

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373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

C E R T I F I E D
M A I L
R E C E I P T

12/27/18

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
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CLERK OF COURTS-CV

XYZ CORPORATIONS ONE
UNKNOWN
UNKNOWN, OH
11111

18CV-12-10689 C

CAROL BENEKER
VS
LOWES

SERVICE ITEM: 01
ORIGINAL SUMMONS

CERTIFIED
NUMBER

9214890119 522804595387

CIV354

E2984 - W6

MARYELLEN O'SHAUGHNESSY

CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

CAROL BENEKER
646 WREXHAM AVENUE
COLUMBUS, OH 43223,

PLAINTIFF,

VS.

LOWES
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC 28117-8520,

DEFENDANT.

18CV-12-10689

CASE NUMBER

**** SUMMONS ****

12/26/18

TO THE FOLLOWING NAMED DEFENDANT:
XYZ CORPORATIONS ONE THROUGH TEN
UNKNOWN
UNKNOWN, OH 11111

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,
BY: CAROL BENEKER
646 WREXHAM AVENUE
COLUMBUS, OH 43223,

PLAINTIFF(S).

A COPY OF THE COMPLAINT IS ATTACHED HERETO. THE NAME AND ADDRESS OF
THE PLAINTIFF'S ATTORNEY IS:

DAVID A. BRESSMAN
LAW OFC OF DAVID BRESSMAN
5186 PAUL G BLAZER PRKWY
DUBLIN, OH 43017

YOU ARE HEREBY SUMMONED AND REQUIRED TO SERVE UPON THE PLAINTIFF'S
ATTORNEY, OR UPON THE PLAINTIFF, IF HE HAS NO ATTORNEY OF RECORD, A COPY
OF AN ANSWER TO THE COMPLAINT WITHIN TWENTY-EIGHT DAYS AFTER THE SERVICE
OF THIS SUMMONS ON YOU, EXCLUSIVE OF THE DAY OF SERVICE. YOUR ANSWER
MUST BE FILED WITH THE COURT WITHIN THREE DAYS AFTER THE SERVICE OF A
COPY OF THE ANSWER ON THE PLAINTIFF'S ATTORNEY.

IF YOU FAIL TO APPEAR AND DEFEND, JUDGMENT BY DEFAULT WILL BE RENDERED
AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: MARIA J. RELAK, DEPUTY CLERK

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:19
CLERK OF COURTS-CV

(CIV370-S03)

E2984 - W7

MARYELLEN O'SHAUGHNESSY
CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

CAROL BENEKER
646 WREXHAM AVENUE
COLUMBUS, OH 43223,

PLAINTIFF,

VS.

LOWES
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC 28117-8520,

DEFENDANT.

18CV-12-10689

CASE NUMBER

**** SUMMONS ****

12/26/18

TO THE FOLLOWING NAMED DEFENDANT:

JOHN DOES ONE THROUGH TEN
UNKNOWN
UNKNOWN, OH 11111

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COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,
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MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: MARIA J. BELAK, DEPUTY CLERK

FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:19
CLERK OF COURTS-CV

(CIV370-S03)

E2984 - W9

MARYELLEN O'SHAUGHNESSY

CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215

CIVIL DIVISION

CAROL BENEKER
646 WREXHAM AVENUE
COLUMBUS, OH 43223,

18CV-12-10689

PLAINTIFF,

CASE NUMBER

VS.

LOWES
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC 28117-8520,

DEFENDANT.

**** SUMMONS ****

12/26/

TO THE FOLLOWING NAMED DEFENDANT:

LOWES HOME CENTERS LLC
1000 LOWES BLVD
NB4TA
MOORESVILLE, NC 28117-8520

YOU HAVE BEEN NAMED DEFENDANT IN A COMPLAINT FILED IN FRANKLIN COUNTY
COURT OF COMMON PLEAS, FRANKLIN COUNTY HALL OF JUSTICE, COLUMBUS, OHIO,

BY: CAROL BENEKER
646 WREXHAM AVENUE
COLUMBUS, OH 43223,

PLAINTIFF(S).

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MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: MARJA J. BELAK, DEPUTY CLERK

(CIV370-S03)

E2984 - W10

MARYELLEN O'SHAUGHNESSY

CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

CAROL BENEKER
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1000 LOWES BLVD
NB4TA
MOORESVILLE, NC 28117-8520,

DEFENDANT.

18CV-12-10689

CASE NUMBER

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FILED
COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:19
CLERK OF COURTS-CV

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1000 LOWES BLVD
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CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: MARIA J. BELAK, DEPUTY CLERK

(CIV370-S03)

E2984 - W10

MARYELLEN O'SHAUGHNESSY

CLERK OF THE FRANKLIN COUNTY COMMON PLEAS COURT, COLUMBUS, OHIO 43215
CIVIL DIVISION

CAROL BENEKER
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MOORESVILLE, NC 28117-8520,

DEFENDANT.

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COMMON PLEAS COURT
FRANKLIN CO., OHIO
2018 DEC 28 PM 1:19
CLERK OF COURTS-CV

12/26/

**** SUMMONS ****

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MARYELLEN O'SHAUGHNESSY
CLERK OF THE COMMON PLEAS
FRANKLIN COUNTY, OHIO

BY: MARIA J. BELAK, DEPUTY CLERK

(CIV370-S03)



FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2019 JAN -2 PM 4:42
CLERK OF COURTS

Date Produced: 12/31/2018

COC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1952 2804 5954 00. Our records indicate that this item was delivered on 12/29/2018 at 01:22 p.m. in COLUMBUS, OH 43228. The scanned image of the recipient information is provided below.

Signature of Recipient :
(Authorized Agent)

A handwritten signature in black ink, appearing to be "L. Smith", written over a horizontal line.

Address of Recipient :

A handwritten address in black ink, appearing to be "1616 Columbus Ave", written in a cursive style.

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 4322818CV10689BENEK

E298



FILED

COMMON PLEAS COURT
FRANKLIN CO. OHIO

2019 JAN -8 PM 2:34

CLERK OF COURTS

Date Produced: 01/07/2019

COC:

The following is the delivery information for Certified Mail™/RRE item number 9214 8901 1952 2804 5954 24. Our records indicate that this item was delivered on 01/02/2019 at 11:47 a.m. in MOORESVILLE, NC 28117. The scanned image of the recipient information is provided below.

Signature of Recipient :

MS/DBLdn

Address of Recipient :

1 < C

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local post office or Postal Service representative.

Sincerely,
United States Postal Service

The customer reference number shown below is not validated or endorsed by the United States Postal Service. It is solely for customer use.

Customer Reference Number: 2811718CV10689BENEK

E2987 - W2

MARYELLEN O'SHAUGHNESSY
FRANKLIN COUNTY CLERK OF COURTS.
373 SOUTH HIGH STREET
COLUMBUS, OHIO 43215-4579

18CV-12-10689 C ADDR: 1
47128 DAVID A. BRESSMAN

FILED
COMMON PLEAS COURT
FRANKLIN CO. OHIO
2019 JAN -8 PM 12:34
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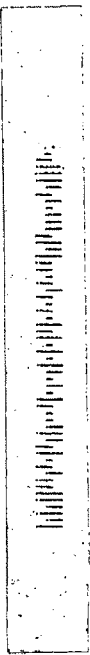
USPS CERTIFIED MAIL



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INSUFFICIENT ADDRESS REQUESTED
FORWARDING SERVICE REQUESTED

BENEF
JOHN DOES ONE THROUGH TEN
UNKNOWN
UNKNOWN, OH
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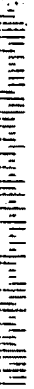
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UNKNOWN
UNKNOWN, OH 11111

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1111118CV10689BENEK



IN THE COURT OF COMMON PLEAS
FRANKLIN COUNTY, OHIO

CAROL BENEKER

Plaintiff,

vs.

LOWE'S, *et al.*,

Defendants.

CASE NO. 18CV-12-10689

JUDGE C. SCHNEIDER

**NOTICE OF FILING PETITION FOR
REMOVAL**

TO: CLERK OF COURTS
FRANKLIN COUNTY, OHIO

PLEASE TAKE NOTICE that Lowe's Home Centers, LLC, improperly designated as "Lowe's" and "S.W. Columbus Lowe's," has removed the captioned action to the United States District Court for the Southern District of Ohio, Eastern Division. A copy of the Petition for Removal filed with the United States District Court on or about January 30, 2019 is attached hereto for filing with this Court. Please take further notice that pursuant to 28 U.S.C. §1446(d), the filing of the Petition for Removal effects the removal of this action, and this Court shall proceed no further unless and until this action is remanded.

Respectfully submitted,

/s/ Nicholas P. Resetar

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ATTORNEYS FOR DEFENDANT

LOWE'S HOME CENTERS, LLC

PROOF OF SERVICE

I hereby certify that on this 30th day of January, 2019, a copy of the foregoing was served electronically upon:

David A. Bressman
Thomas F. Martello Jr.
5186 Paul G. Blazer Parkway
Dublin, OH 43017

/s/ Nicholas P. Resetar

Nicholas P. Resetar

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